MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: Office of the City Clerk (714) 536-5227.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the Sergeant at Arms (714) 536-5693 or the City Clerk (714) 536-5227.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH

MONDAY, OCTOBER 7, 2002

5:00 P.M. - Room B-8 7:00 P.M. - Council Chambers Civic Center, 2000 Main Street Huntington Beach, California 92648

5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer **Present**

Three Late Communications announced by City Clerk re: Parkside Estates Project.

Public Comments Regarding 5:00 P.M. Portion of Council Meeting Study Session, and Closed Session Agenda Items

None

- (1) Vote to consider placing closed session re: PCTA Cable television issue on agenda per Government Code section (subject not known prior to posting of agenda) Approved 7-0
- (2) Approved recessing to closed session on PCTA litigation 7-0

COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
http://www.ci.huntington-beach.ca.us

(City Council/Redevelopment Agency) Study Session – Overview by the Department of Planning and Shea Homes of the Proposed Parkside Estates Residential Project (171 Single Family Units Located at 17301 Graham Street on which a Public Hearing is Scheduled for October 21, 2002) (.)

Representatives of the Planning Department and Shea Homes will present an overview of the proposed Parkside Estates residential project located at 17301 Graham Street. The project consists of 171 detached, single family homes, associated infrastructure, and an 8.2 acre public park.

Slide report presented by Planning Department staff.

Late Communications announced by City Clerk are on file and available to the public.

Ron Metzler, Shea Homes answered questions of Council re: earth removal, Alquist-Priolo Act (earthquakes); possible formation of assessment district and possible litigation re: view it could be considered as taking of property.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items: **Approved 7-0**

- (City Council) Closed Session Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is The Lincoln Club of Orange County, et al. v. City of Huntington Beach, et al, United States District Court, Case No. SACV02-874 GLT (MLGx). Subject: The Lincoln Club of Orange Co., et al v. City of Huntington Beach, et al. (120.80)
- 2. (City Council) Closed Session Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is City of Huntington Beach v. Orange County Water District, Orange County Superior Court Case No. 815921. Subject: City of Huntington Beach v. Orange County Water District. (120.80)
- 3. (City Council) Closed Session Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Ronald Hagan, Director of Community Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore regarding labor relations matters meet and confer with the following employee organizations: PMA, POA, MSOA, FMA, FFA, HBMEA, HBMEO, and SCLEA. Subject: Labor Relations Meet and Confer. (120.80)
- 4. (City Council) Closed Session Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is Tierrasanta v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 775993. Subject: Tierrasanta v. City of Huntington Beach. (120.80)
- 5. (City Council) Closed Session Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is Citizens Against Redevelopment Excess v. City of Huntington Beach [CARES II]; Orange County Superior Court Case No. 00CC14550; California Court of Appeal, Fourth Appellate District, Division Three, Case No. G030388. Subject: Citizens Against Redevelopment Excess v. City of Huntington Beach. (120.80)

Added item - In the matter of Public Cable Television Authority pursuant to Government Code 54954.2(b)(2) to confer with its attorney whether to initiate litigation concerning dispute on cable Internet services.

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).

None

Roll Call Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer **Present**

<u>Pledge of Allegiance</u> – Pack 1 Cub Scouts sponsored by Huntington Christian School/First Christian Church, Huntington Beach. Cub Master Bob Generoli, Den Leader Roni Kobel.

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

City Clerk announced Late Communications that were received after the agenda packet was delivered to Council. (Three communications re: Parkside Estates Project study session and communication revising agenda item G-2d, and Late Communication from City Administrator on F-1.)

<u>Presentation</u> – To Mayor Debbie Cook and Ray Silver, City Administrator, by Susan Johnson, Regional Manger, Orange County Register Newspaper and Susan Luce, Orange County Register, presentation of "The Best of Orange County" awards for the Best City to Live in and the Best Parade 2002. (160.40)

<u>Presentation</u> – To Mayor Debbie Cook and Fire Chief Michael P. Dolder by U. S. Postmaster Jeanne Hannahs, of a Poster of the 9/11 postage stamp depicting three firefighters raising the U. S. Flag at Ground Zero. (160.40)

<u>Presentation</u> – By Mayor Debbie Cook to Fire Chief Michael P. Dolder, of a Proclamation proclaiming the week of October 6 through 12, 2002 as Fire Prevention Week. (160.40)

<u>Presentation</u> – By Mayor Debbie Cook and City Administrator Ray Silver to Shari Freidenrich, of the Certified Municipal Finance Administrator (CMFA) credential 2001/2002 award presented from the Association of Public Treasurers of the United States and Canada (APT US & C). (160.40)

<u>Presentation</u> – By Mayor Debbie Cook and City Administrator Ray Silver to City Treasurer Shari Freidenrich, a proclamation proclaiming the week of October 7 through 11, 2002 as National Customer Service Week in the City of Huntington Beach. (160.40)

- (1) Motion to adopt agenda item G-2a forward and adopt 7-0
- (2) Motion to defer consideration of F-1 and F-2 to later date 7-0

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others. No action can be taken by Council/Agency on this date unless agendized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- (1) Speaker accompanied by her mother, requested removal of diseased Oleander trees at Indianapolis and Atlanta Avenue as they pose a fire hazard to mother's mobile home park.
- (2) Speaker expressed agreement on an appeal filed on the Planning Commission approval of the CIM Project, the Strand; however expressed general support after suggesting a delay for assessment of property.
- (3) Speaker opposed to signs displayed by anti-abortion activists due to the signs' alleged detrimental effects on impressionable young children.
- (4) Speakers in support of the City Clerk's agenda items F-1 and F-2.
- (5) Speaker soliciting support of agenda item C-1a and the ordinance.
- (6) Speakers representing utility companies in support of street work ordinance and thanking staff for the project.
- (7) Several speakers in opposition to agenda item E-13 and expressing the belief that the City is not obligated to expend funds for dredging of the Huntington Harbour.
- (8) Speaker presenting reasons why his campaign signs are environmentally friendly and not graffiti.
- (9) Speaker objecting to the absence of the Invocation.
- (10) Speaker in opposition to desalinization plant and in favor of secondary and tertiary treatment of the ocean.

- (11) Speaker in opposition to incumbents in the municipal election for the Ocean View School District Superintendent of Schools and Board of Directors.
- (12) Speaker requesting Council assistance with late evening noise disturbance emanating from the Norm Reeves Honda delivery trucks in his neighborhood.
- (13) Speaker praising Governor Davis' veto of Assembly Bill 60 which would allow process whereby illegal aliens would be able to obtain a California driver's license.
- (14) Speaker rebutting earlier speaker's comments against the Ocean View Superintendent of Schools due to the reason that it is an election year.

C-1. Council Committee/Council Liaison Reports

C-1a. (City Council) Approve Beautification/Landscape/Tree (BLT) Committee Recommendations to Direct Staff to Process Zoning Text Amendments Relative to Double Frontage Residential Lot Development Standards (Huntington Harbour) (.)

Communication from Mayor Debbie Cook, Chair, Beautification/Landscape/Tree Committee on behalf of Mayor Pro Tem Connie Boardman and City Councilmember Ralph Bauer setting forth the following:

Huntington Harbour is unique in the city in having double fronted lots. In the Harbour there are many residents who look out onto the back slope (secondary frontage) of the home across the street, rather than the front yard of their neighbor's home.

Over the years, fencing has been approved for the secondary frontage, which has resulted in walls replacing the back slope of the home. Homeowners have done this to increase the usage of their backyards, but the effect on the homeowner across the street has been to change their view from that of a nicely landscaped slope to one of a tall concrete block wall.

The Beautification/Landscape/Tree (BLT) Committee has spent several months working with homeowners in the Harbour to develop a recommendation for Council direction. These residents in the Harbour understand that a property owner can appeal any new development standard through the Conditional Use Permit (CUP) process.

Recommended Action:

- **A.** The BLT Committee recommends that the City Council make a motion to direct the Department of Planning to initiate and process a Zoning Text Amendment adopting additional development standards for double frontage lots. These standards include the following:
 - 1) Require any fence built on the secondary frontage of a double-frontage lot be located at the top of the grade, including fencing on the exterior side yard (corner lot) of a double-frontage lot.
 - 2) The setback area noted in No. 1 above shall be 100% landscaped with plant material and/or vegetation with no hardscape.
 - 3) No structures including wall and fences of any height shall be permitted on the secondary frontage of a double-frontage lot.

In addition, staff should consider the seven points listed in the attached memo and as follows (from Councilmember Bauer dated April 24, 2002 which is included in the agenda packet):

- **B.** 1. Recognition should be given in any ordinance to the fact that on a double lot there is a "front" and a "back."
 - 2. Landscaping should encompass 100% of a lot (at least the back part).
 - 3. Wall or fences along the back of the lot should require a permit (including those of 42 inches or less).

(Continued on Next Page)

- 4. Any Conditional Use Permit (CUP) dealing with the backside should be heard by the full Planning Commission.
- 5. All relevant urban design guidelines should be a part of any ordinance.
- 6. If a wall is granted under a CUP, it should include the following features:
 - a. Set back from the public right-of-way.
 - b. A height limit.
 - c. Landscaping between the public right-of-way and the wall including vines that will cover the wall.
 - d. Adhere to engineering specifications to make sure wall will not fail should dirt be piled against it.
 - e. Wall should adhere to urban design guidelines.
- (1) Term "Primary Frontage" and "Secondary Frontage" to be set forth in ordinance; and
- (2) Add that any Conditional Use Permit (CUP) notification should include property owners facing through-lots.

C-2. <u>City Administrator's Report</u> **None**

C-3. (City Council) Approve the Escheatment of Unclaimed Funds to the General Fund per Government Code Section 50055 (.)

Communication from the City Treasurer informing Council that the city is holding \$36,237.47 of unclaimed funds. Per Government Code Section 50055, funds that are not the property of the city that remain unclaimed for over three years and have not been claimed after the publishing of a notice, and unclaimed funds less that \$15.00 which remain unclaimed for over one year become the property of the city. The City Treasurer published a notice on July 4, and July 11, 2002 in the Huntington Beach Independent Newspaper in compliance with Government Code Section 50055.

Recommended Action: Motion to:

Review and approve the transfer of \$36,237.47 of unclaimed funds to the unappropriated General Fund in compliance with Government Code Section 50055.

Approved 6-0-1 (Dettloff absent)

D-1. (City Council) Public Hearings – None

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes Approve and adopt the minutes of the City Council/Redevelopment Agency Regular meetings of September 3, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

 Approved and Adopted 4-0-2-1 (Green, Houchen abstain; Dettloff absent)
- E-2. (City Council) Approve Naming of the City's Community Job Center (18131

 Gothard Street) for Luis M. Ochoa, Retired Lieutenant with the Huntington Beach
 Police Department (.) Approve naming the City's Community Job Center as the
 Luis M. Ochoa Community Job Center, in honor of Police Lieutenant Ochoa.

 Submitted by the Chief of Police and the Economic Development Director. Funding
 Source: Funds are available in the Community Development Block Grant Account,
 budgeted for the purchase of providing signage for the Center. Police Lieutenant
 Ochoa's name would be added to the new signs.

Approved 5-0-2 (Dettloff absent; Green out of room)

E-3. (City Council) Approve the Reappointments of Two Members – Garcia and Moreno to the Citizens Participation Advisory Board (CPAB) for a Term to Expire on September 30, 2006 (.) – Approve the reappointments of C. Jim Moreno and Steve Garcia to the Citizens Participation Advisory Board (CPAB) for a four-year term to expire September 30, 2006. Submitted by Mayor Pro Tem Connie Boardman and City Councilmember Grace Winchell, Liaisons to the Citizens Participation Advisory Board. Funding Source: Not Applicable.

Approved 6-0-1 (Dettloff absent)

E-4. (City Council) Approve Additional Funds for the Brookhurst Street Rehabilitation Project, CC-1147 (Brookhurst Street from Adams Avenue to 1800 Feet South)

(.) – Authorize an additional \$200,000 to cover the construction and any supplemental costs for the Brookhurst Street Rehabilitation Project; CC-1147.

Submitted by the Public Works Director. Funding Source: \$200,000 – Gas Tax Fund, Arterial Rehabilitation Account.

E-5. (City Council) Approve First Amendment to Professional Services Contract

Between the City and U. S. Technical Services for Technical Support Personnel

(.) – Approve and authorize the Mayor and City Clerk to execute Amendment No. 1 to the Professional Services Contract Between the City of Huntington Beach and U. S. Technical Support Personnel. Submitted by the Fire Chief/Information Systems Director. Funding Source: Information Systems Professional Services accounts. In addition, Council previously approved \$300,000 for the implementation of internet web access for Ebill/Epay. A portion of those funds would be for the use of the U. S. Technical Services employees. No additional funds are needed.

Approved 5-0-2 (Dettloff absent; Green out of room)

E-6. (City Council) Approve Animal Care Services Contract between the City and the County of Orange – Fiscal Year 2002-03 (.) – Approve the Agreement for Provision of Animal Care Services Between County of Orange and City of Huntington Beach Fiscal Year 2002-2003 and authorize the Mayor and City Clerk to execute same. Submitted by the City Administrator. Funding Source: 2002-03 budget \$420,559 in General Fund, Non-Departmental account.

Approved 6-0-1 (Dettloff absent)

E-7. (City Council) Adopt Resolution No. 2002-90 Authorizing Two Construction
Agreements: (1) Newland Street Improvements: CC-1157 and (2) Warner Avenue
Improvements; CC-1149 (.) – Adopt Resolution No. 2002-90 - A Resolution of the
City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to
Execute Program Supplement No. M018 and M019 to Agreement No. 12-5181 for
Newland Street and Warner Avenue Construction Improvements. Submitted by the
Public Works Director. Funding Source: Not Applicable.

Approved 6-0-1 (Dettloff absent)

E-8. (City Council) Adopt Resolution 2002-92 Amending the City's Classification Plan – (One Modification and Three New Classifications) (.) – Adopt Resolution No. 2002-92 – "A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Adding and Modifying Classifications and Establishing Compensation in the City Classification Plan." Submitted by the Administrative Services Director. Funding Source: Included in the Fiscal Year 2002-03 budget.

Continued to 10/21/02 Approved by Council Consensus

E-9. (City Council) Accept the Resignation of Lee Yadrick and Approve Appointment of Jolene Miller to the Children's Needs Task Force for a Term to Expire August 2004

(.) – 1. Accept the resignation of Lee Yadrick and 2. Approve the appointment of Jolene Miller to the Children's Needs Task Force for a term to expire August 2004.

Submitted by City Councilmembers Shirley Dettloff and Grace Winchell, Liaisons to the Children's Needs Task Force. Funding Source: Not Applicable.

Approved 6-0-1 (Dettloff absent)

E-10. (City Council) Approve Proposed First Amendment to AES Huntington Beach

Development, Inc. Option Agreement

() – Authorize the Mayor and City Clerk to
execute a First Amendment to the Option Agreement with AES Huntington Beach
Development, Inc. titled First Amendment to that Certain August 14, 2001, Option
Agreement and Escrow Instructions Between the City of Huntington Beach and AES
Huntington Beach Development, Inc. and any other documentation as approved by the
City Attorney necessary to effectuate the exercise of the option, and authorize the City
Administrator and the City Clerk to execute two additional amendments to extend the
option period in accordance with the terms and conditions presented herein upon
approval of the City Attorney. Submitted by the Administrative Services Director and the
Public Works Director. Funding Source: Not applicable to the action at hand. Funds are
budgeted in the Water Master Plan Account for reservoir site acquisition. The fixed
purchase price of \$350,000 is in accordance with the terms of the Option Agreement.
Incidental costs will include escrow and title related expenses.

Approved 6-0-1 (Dettloff absent)

E-11. (City Council) Approve City Council Position on Legislation Pending Before the State Legislature and/or Congress as Recommended by the City Council Intergovernmental Relations Committee (.) – The City Council Intergovernmental Relations Committee has reviewed the legislation, and/or propositions below and is recommending that the City Council take a position on the following items: **Motion to:** Endorse the following letters sent to the Governor: Veto AB 2292 (Dutra) -Authorizing lawsuits to be filed against a city if they approve downzoning of residential property in a community without concurrently upzoning another parcel in the community. Veto SB 1629 (Soto) – Setting the framework for distribution of federal funds for training paramedics to local governments through a third party organization. Veto AB 1243 (Wiggins) – Which could prohibit payroll deductions by employees of public agencies for voluntary contributions such as those to banks, credit unions and deferred compensation programs. Sign SB 1523 (Byron) – Which would establish an advance disposal fee for cathode ray devices (CRT) which would be used to fund programs designed to encourage recycling of waste. Support: California Proposition 50 - Water Quality, Supply & Safe Drinking Water Projects. Coastal Wetlands Purchase and **Protections. Bond Initiative** – Which will allow the State to sell \$3.44 billion in general obligation bonds for various water-related programs with more than half of the funds to be allocated to coastal protection and the CALFED Bay Delta Program. Submitted by Councilmember Shirley Dettloff, Chair Person Intergovernmental Relations Committee for Mayor Debbie Cook and Councilmember Ralph Bauer. Funding Source: None Required.

Approved 6-0-1 (Dettloff absent)

E-12. (City Council) Adopt Resolution No. 2002-94 Regarding Non-Technical Adjustments to Comprehensive Fee Study Amending Resolution 2002-85 (which was Approved at the 9/3/02 Council Meeting) (.) – Adopt Resolution No. 2002-94 – "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2002-85, Relating to the City's Comprehensive Fee Schedule (Supplemental Fee Resolution No. 91)." Submitted by the Administrative Services Director. Funding Source: Not Applicable.

- E-13. (City Council) Approve Hiring of Consultant to Develop a Huntington Harbour Clean Water and Safe Navigation Boat Fee (for Code Enforcement and Dredging Costs) (.) Authorize the expenditure of \$25,000 from General Fund Attorney Fees Professional Services Account #10015301.69375 for the purpose of contracting with a consultant to assist the city in the development of a fee for boats in Huntington Harbour to address code enforcement and dredging costs. Submitted by the City Attorney. Funding Source: \$25,000 from General Fund Attorney Fees Professional Services Account to be reimbursed with adoption fee.
 - (1) Requested total revenue figures that city receives from boat fees and property tax; and (2) Confirm the Army Corps of Engineers' role relative to responsibility for dredging.

Approved 5-0-2 (Dettloff absent; Houchen out of room)

E-14. (City Council) Adopt Resolution No. 2002-95 Amending Resolution No. 2002-86 (which was Approved at the 9/16/02 Council Meeting) to Modify Salary and Benefits for the City Attorney (.) – Adopt Resolution No. 2002-95 – "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2002-86 Related to Benefits and Salary for the City Attorney." Submitted by the City Administrator. Funding Source: Funding for the appointment is included in the FY 02-03 budget.

F. Administrative Items – *None*

- F. Agenda Items Submitted by the Office of the City Clerk
- F-1. (City Council) City Personnel Commission's Purpose and Functions Pursuant to City Council Resolution No. 3960 and Huntington Beach Municipal Code Chapter 2.72 Relative to the Amendment of the City Classification Plan to Create New Department Head Positions and Revisions to the Classification Plan (.)

 Communication from City Clerk Connie Brockway transmitting the following Statement of Issue: It is among the responsibilities of the City Clerk to maintain a complete record, through the years, of Resolutions adopted by the City Council which serve as the historical record of the City Classification Plan (Classification Plan of City Personnel as required by the City Charter.) The information that follows in this report is my official notification to the City Council that I will not be able to maintain an ongoing record of the history of the City's Classification Plan of City Personnel unless the process and procedure which I believe is currently being disregarded, is once again followed.

Last month, it came to my attention through a magazine ad, that a recruitment is underway for a Department Head position, and that the position will be called Information Services Director. During the week, I expressed my concern to the City Administrator and Assistant City Administrator: (1) that the proposed classification had not been presented to the City Personnel Commission for public hearing and review as required by City Council Resolution No. 3960, (2) that class specifications had not been developed, (3) the job advertisement had not been posted on the City Hall Employment Available Posting Board as required by law, and (4) that there was no class specifications for the position in the City Employment Listings that the public looks at to determine if there are employment positions in the City for which they may be qualified to fill. These position classifications that are reviewed by the City Personnel Commission include *Minimum Qualifications, Examples of Essential Duties, Educational Requirements*, and *Experience Required*.

The method and process by which new personnel classifications are created must be a matter of public record. This is critical for the City Clerk's Office to maintain City Council resolutions which show that a Personnel Commission public hearing has been held, that the fundamental reason for the existence of the classification has been demonstrated; that the position opening will be posted on the legal posting board and available in the list of City Employment Classifications that the public can access at the Personnel Department.

Recommended Action: Motion to:

1. Direct that the recruitment for a Department Head position of Information Services Director be **temporarily** suspended;

and

2. Direct staff to prepare *Class Specifications* for presentation to the City Personnel Commission for review and public hearing, followed by the Personnel Commission's recommendation to the City Council to reject, modify or adopt said classification specifications by adopting a resolution;

(Continued on Next Page)

and

3. That should the City Council have concerns relative to the administration of the personnel system, that the City Council rely on "Huntington Beach Municipal Code Section 2.72.070 – Commission – Functions and duties: The Personnel Commission shall have the power and be required to: (b) Make any investigation upon request of the City Council concerning the administration of the personnel system and report its findings to the City Council and City Administrator."

Continued to a meeting of two Councilmembers, Personnel Commission Chair and others at future date prior to returning to Council at 10/21/02 meeting.

Approved 5-0-2 (Dettloff absent; Houchen out of room)

F-2. (City Council) Request for (1) City Council to Affirm That the Mayor and the City Clerk, Corporate Officers of the City of Huntington Beach, are the City Officers to Execute All Grant Deeds Conveying City Owned Property to Individuals or Entities; (2) Authorize the Mayor and City Clerk to Execute the Grant Deed Conveying Assessor's Parcel #949-130-019-4 Located in the City of Murrieta to the City of Murrieta (.)

Communication from City Clerk Connie Brockway, transmitting the following **Statement of Issue:** As City Clerk I am requesting that the City Council confirm that only the Mayor and the City Clerk can execute a Grant Deed selling or otherwise conveying city owned property. This has been the procedure for the 33 years of my employment in the Huntington Beach City Clerk's Office, as a Deputy City Clerk and now as elected City Clerk. Deeds of city owned property, coming to the city, or being sold by the city require procedural action by the City Clerk. In the case of the city acquiring real property, a *City Clerk's Certificate of Acceptance* required by Resolution No. 3537 shall be affixed to the deed prior to ownership by the city and recordation. Deeds of city owned property to be sold or otherwise conveyed on direction of the City Council must be executed by the Mayor and City Clerk.

Recommended Action: Motion to:

- 1. Authorize the Mayor and City Clerk to execute a Grant Deed conveying real property from the City of Huntington Beach to the City of Murrieta Assessor's Parcel #949-130-019-4. (Reference: City Deferred Compensation Plan, Real Estate Real Property Portfolio);
 - (1) At request of City Clerk, motion made to reconsider continuance of Item 1. Approved 5-0-2 (Dettloff absent; Houchen out of room)
 - (2) Motion made to authorize the Mayor and City Clerk to execute. Approved 5-0-2 (Dettloff absent; Houchen out of room)

and

2. Direct the City Attorney to (1) Prepare an ordinance for Council adoption requiring that all deeds to acquire real property on behalf of the City be presented to the City Clerk to affix the City Clerk's Certificate of Acceptance; (2) Direct that all deeds conveying city owned property shall be executed on behalf of the City by the Mayor and City Clerk;

Continued to a future date. Approved 5-0-2 (Dettloff absent; Houchen out of room)

and

3. Further that prior to execution of deeds that the Mayor and City Clerk's authority to execute shall have been expressed in the official minutes of the City Council. (See example of Council minutes.)

Continued to a future date. Approved 5-0-2 (Dettloff absent; Houchen out of room)

- G. Ordinances
- G-1. Regular Ordinance for Adoption None
- G-2. Recommendation to Adopt Emergency Ordinance No. 3580
- G-2a.

 (City Council) Approve Adoption of Emergency Ordinance No. 3580 Amending
 Limitation on the City's Campaign Reform Law Re: Contributions

 Communication from the City Attorney requesting Council consideration and approval to revise the City Campaign Reform Law regarding contribution to persons or committees making independent expenditures. The staff report sets forth a detailed analysis and recommends that Ordinance No. 3580 be approved on an emergency basis to take

effect immediately. Absent immediate adoption of this ordinance, the effectiveness of the Campaign Reform Law during the November 2002 election is in doubt.

(Five Affirmative Votes are Required for Adoption of this Emergency Ordinance)

Emergency Ordinance No. 3580 – "An Emergency Ordinance of the City of Huntington Beach Amending Section 2.07.050 (b) of the Huntington Beach Municipal Code Regarding the Campaign Contribution Limitation of the City of Huntington Beach Campaign Reform Law."

Recommended Action: After City Clerk reads by title, adopt Ordinance No. 3580 by roll call vote.

This agenda item may be moved up to the earlier portion of the meeting. Adopted 7-0 (effective immediately) Moved forward

G-2. Regular Ordinances for Introduction

G-2b. (City Council) Approve Introduction of Ordinance No. 3581 Amending Chapter 8.21 if the Huntington Beach Municipal Code Relating to Residential Refuse Collection Charges, and Adopt Resolution No. 2002-91 Modifying Residential Curbside Refuse Collection Rates for Low Income Seniors 62 Years and Over (.)

Communication from the Public Works Director informing Council that the current Huntington Beach Municipal Code, Chapter 8.21 relating to refuse requires an amendment by Ordinance No. 3581 to Section 8.21.030 to reflect the City Council's direction to reduce by 50% the low-income senior subsidy for refuse service. The fee schedule for qualifying low-income seniors will also need to be modified by Resolution No. 2002-91.

Recommended Action: Motion to:

1. After the City Clerk reads by title, approve introduction of **Ordinance No. 3581** – "An Ordinance of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Relating to Residential Refuse Collection Charges;"

Approved Introduction 4-2-1 (Boardman, Houchen No; Dettloff absent)

and

2. Adopt Resolution No. 2002-91 – "A Resolution of the City Council of the City of Huntington Beach Modifying Residential Curbside Refuse Collection Rates for Low Income Seniors 62 Years and Older."

Adopted 4-2-1 (Boardman, Houchen No; Dettloff absent)

G-2c. (City Council) Approve Introduction of Ordinance No. 3582 Amending the Huntington Beach Municipal Code Chapter 12 Relating to Street Work Relative to Affected Utility Companies - Adopt Revised Public Works Standard Plans, Nos. 100 and 109 (.)

Communication from the Public Works Director informing Council that city staff, together with the affected utility companies, have developed a new Street Work Ordinance and revised Public Works Standard Plans to better protect the City's streets against unnecessary or unscheduled trenching by utility or other companies. Ordinance No. 3582 maintains the integrity of the pavement and establishes a three-year moratorium on cutting into newly paved streets.

Recommended Action: Motion to:

Adopt revised Public Works Standard Plans No. 100 and No. 109;
 Approved introduction 6-0-1 (Dettloff absent)

and

2. After the City Clerk ready by title, approve introduction of **Ordinance No. 3582** – "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 12.12 and Adding Chapter 12.13 Relating to Street Work."

Approved introduction 6-0-1 (Dettloff absent)

G-2d. (City Council) Approve Introduction of Ordinance No. 3583 Establishing the Department of Information Services (.)

Communication from the City Administrator transmitting that the Information Services function is presently under the Fire Department with the Fire Chief serving as the Department Head. The oversight of the function is scheduled to change from the Fire Chief to a Department Head who will be hired in the position Information Services Director and reporting to the Assistant City Administrator. Rather than transferring the function to Administration, it is recommended that a new Department of Information Services be established by Ordinance No. 3583 that details department objectives and the duties and responsibilities of the Director. **Communication from the Office of the City Clerk attached for Council information.

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3583**, by roll call vote — "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 2.114 Relating to the Department of Information Services."

City Administrator reported.

City Attorney reported.

Introduction approved as amended by Late Communication from the City Attorney dated 10/7/02 5-0-2 (Dettloff absent; Houchen out of room)

H. <u>City Council/Redevelopment Agency Items</u>

H-1a. Submitted by Councilmember Ralph Bauer

(City Council) Request Public Recognition and Honor to be Given at the 10/21/02 Council Meeting for the League of Women Voters of 1975 (. .)

Communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue:** The League of Women Voters of 1975 were true pioneers in promoting environmental ideals in Huntington Beach. Without them, the Bolsa Chica wetland preservation would never have become a reality. Although the nomination was made, the Environmental Board did not see fit to honor these ladies. I think recognition of the League should take place before more of them are no longer available due to death or unknown whereabouts.

Recommended Action:

To honor the 1975 League of Women Voters, I move that the City Council recognize them at the second meeting in October and to provide to each member who can be contacted, with a personal letter of thanks. In addition, that a plaque honoring the **League of 1975** be displayed permanently in City Hall.

Included in the agenda packet are the nomination papers that were submitted to the Environmental Board.

Approved 6-0-1 (Dettloff absent)

H-1b. Submitted by Councilmember Ralph Bauer

(City Council) Request for Implementation of a Live-Aboard Ordinance and Boat Fee in Huntington Harbour (.)

Communication from Councilmember Ralph Bauer informing Council of the following **Statement of Issue:** Cursory review by individuals, the Sheriff's Department, and CoastKeepers indicate that a number of activities are occurring in Huntington Harbour that are in violation of the Clean Water Act of the United States and thus contaminate the Harbour. To deal with these issues, a source of income is needed to fund code enforcement personnel. Should new funds not become available, General Fund monies may be necessary in the event the Santa Ana Regional Water Quality Control Board levies sanctions against the city for non-enforcement of the provisions of the Clean Water Act. As you may recollect, this was the case with our sewer problems.

The City Attorney's Office has been reviewing these issues for about 18 months. It is time to move.

Recommended Action:

To move ahead with a program, the Council is requested to support the following:

1. It is moved that a boat fee ordinance for boats moored and using Huntington Harbour be brought to the Council at their November 4, 2002 meeting;

and

(Continued on Next Page)

2. It is moved that an enforceable live-aboard ordinance be brought to the Council at their meeting of November **4 6**, 2002.

Move only Recommended Action 2 with a date change of November 6, 2002 Council meeting as it is anticipated that November 4, 2002 Council meeting will have lack of quorum and be scheduled on November 6, 2002. Approved 6-0-1 (Dettloff absent)

H-1c. Submitted by Councilmember Ralph Bauer

(City Council) Request Council Position Relative to an Increase in Membership of City Representatives on the Orange County Transportation Authority (OCTA)

Board of Directors from Six to Ten Members (.)

Communication from Councilmember Ralph Bauer informing Council of the following **Statement of Issue:** Attached is a draft letter (on the above captioned subject) received from Santa Ana which is included in the agenda packet. They have requested that our Mayor be a signatory.

Recommended Action:

It is requested that the Huntington Beach City Council take minute action either for or against this request.

Approved 6-0-1 (Dettloff absent)

H-1d. Submitted by Councilmember Ralph Bauer

(City Council) Direct City Attorney to Determine Process for Adjudication of the Orange County AQUAFIR to Ensure an Adequate and Potable Water Supply for Huntington Beach Residents (.)

Communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue:** As you know, the City of Huntington Beach has sued the Orange County Water District because they would not subject their master plan to an EIR process. Formalization of the Orange County Water District Master Plan would address the over drafting of the AQUAFIR and minimize salt-water intrusion, both of which could adversely affect water availability to Huntington Beach. The legal challenge by Huntington Beach has had minimum success and the Orange County Water District refuses to negotiate with Huntington Beach to guarantee reasonable amounts of potable water to Huntington Beach.

Recent newspaper articles indicate that the Orange County AQUAFIR is indeed being over-drafted, which in turn increases the chances of salt-water intrusion. The Water District denied these two eventualities four years ago when Huntington Beach brought them to their attention. Now they apparently agree but offer Huntington Beach no reasonable solution.

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One of the ways of dealing with such an inequity is called "adjudication." This is a prolonged expensive legal process where a judge finally parcels out water quotas to the appropriate parties. It is not the preferred strategy that a pumping city might use, but the actions of the Orange County Water District leave us little choice.

Recommended Action:

The following motion is suggested. It is moved that the City Attorney investigate the process of adjudicating the Orange County AQUAFIR so that the Council may take an overt action in this regard at some point in the near future to guarantee reasonable amounts of drinking water to the residents of Huntington Beach over the long term.

H-2a. Submitted by Councilmember Pam Houchen

(City Council) Authorize Allocation of \$15,000 to Fund Animal Care Clinics and Direct Staff to Invite the Orange County Animal Care Services Department (ACS) and Save Our Strays (SOS) to Develop and Administer the City's Programs (.) Communication from Councilmember Pam Houchen transmitting the following Statement of Issue: Over the past three years, the city's net annual cost for its contract with the County of Orange for animal care services has decreased approximately \$15,000 (from \$436,000 to \$421,000). The Subcommittee proposes that these savings be used to fund programs aimed at reducing Huntington Beach's utilization of County Animal Care Services (ACS) and the euthanasia rates attributed to animals picked-up in Huntington Beach. By reducing the city's utilization and euthanasia rates, these programs may be able to reduce the number of Huntington Beach animals in the County ACS system and, subsequently, further reduce the city's on-going contract costs.

The proposed programs are:

- Low/no cost micro-chip clinics. (Micro-chipping involves placing a chip containing animal-owner information that may be read by a special scanner under an animal's skin.)
- Low/no cost spay/neuter clinics.

Staff reports that there is sufficient funding set aside for the County ACS contract to provide \$15,000 for these programs. The extra funding exists because the city's budget was submitted before the city had received the contract from the county.

The Subcommittee would also propose that, in order to reduce the amount of city staff time required to implement these programs, the City Council invite the County ACS Department to work with Save Our Strays to develop, promote, and administer these programs. City staff time and other resources spent administering and promoting the programs will be funded from the \$15,000 allocation.

Recommended Action: Motion to:

1. Allocate \$15,000 to provide low/no cost micro-chipping and spay/neuter clinics to Huntington Beach residents;

and

2. Direct staff to invite the Orange County Animal Care Services Department and Save Our Strays to develop, promote, and administer the programs.

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. <u>No action or discussion</u> may be taken except to provide staff direction to report back or to place the item on a future agenda.

Reports given by Mayor and Mayor Pro Tem relative to proper treatment of political campaign signs and in opposition to negative campaign practices.

Council/Agency Adjournment to Monday, October 14, 2002, at 4:00 p.m., in Rooms C & D, Central Library, 7111 Talbert Avenue, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office by Mail and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Annexes on Friday Prior to Meetings. Video Tapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

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